

DANIEL LUCAS.

[To accompany Bill H. R. No. 598.]

APRIL 6, 1860.

Mr. FOSTER, from the Committee on Invalid Pensions, made the following

REPORT.

*The Committee on Invalid Pensions, to whom were referred the petition and papers of Daniel Lucas, a soldier, asking to be allowed a pension, report:*

Your committee have examined this case with care, which presents the following state of facts:

The petitioner, Daniel Lucas, enlisted in the United States army, and was attached to company E, 3d United States infantry, then under the command of Captain Van Horne, which was ordered to New Mexico. It appears from the proof that while in garrison he, with others, was ordered by Captain Van Horne to haul water from the Rio Grande river for the use of the troops; that while in the execution of these orders, and during the progress of loading the wagons with hauls of water, he overstrained himself, and was seen suddenly to fall, and his comrades going to his assistance found he had been severely ruptured and powerless. The army surgeons certify he has hernia, and in consequence he was discharged from the service for disability, as unfit for the service. There seems to be no doubt but this hernia is fixed and incurable. The petitioner applied to the Pension office for a pension, but the regulations requiring the proof of disability to be made by an officer in command, and Captain Van Horne being dead, and the other officers on distant posts on duty, the petitioner has been unable to supply this defect. The difficulty and expense of getting depositions and proof from the subordinate officers would preclude the petitioner from complying with the office requirements. Two of the persons present at the time of the occurrence and saw it testify as to the fact, and their testimony is corroborated by the surgeon's certificate, and his discharge from the service for disability.

Your committee have no doubt of the facts as set forth in the petition, and they therefore report the accompanying bill, and ask for it a favorable consideration.

DANIEL FUGATE

[In company with R. E. K. 1881]

APRIL 1, 1881

Mr. Foster, from the Committee on Invalid Pensions, made the following

REPORT.

The Committee on Invalid Pensions, to whom were referred the petition and papers of Daniel Fugate, a soldier, asking to be allowed a pension, report:

Your committee have examined the case with care, which presents the following facts of fact:

The petitioner, Daniel Fugate, enlisted in the United States army, and was attached to company E, 38th United States Infantry, then under the command of Captain J. A. Brown, which was ordered to New Mexico. It appears from the fact that while in service he was severely wounded by a bullet in the thigh, that while in the hospital at Fort Huachuca, and during the absence of his commanding officer, he was severely wounded by a bullet in the thigh, and his condition going to his bedside, he had been severely wounded and paralyzed. The army surgeon certified to his wounds, and in testimony he was discharged from the service for disability as stated in the report. There seems to be no doubt that the wound is right and honorable. The petitioners applied to the Pension Office for a pension, but the report regarding the proof of disability is so made by an officer in command, and Captain Fugate being dead, and the other officers on duty, the petitioners have been unable to supply this defect. The difficulty and expense of getting documents and proof from the unfortunate officers would render the petitioners from complying with the other requirements. The officers present at the time of the occurrence and now it is difficult to find the fact, and their testimony is contradicted by the surgeon's certificate, and his discharge from the service for disability.

Your committee have no doubt of the facts as set forth in the petition, and they therefore report the accompanying bill, and ask for its favorable consideration.